

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BIGBAND NETWORKS, INC.,

Plaintiff,

V.

IMAGINE COMMUNICATIONS, INC.,

Defendant.

C.A. No. 07-351 (***)

**BIGBAND NETWORKS, INC.'S FIRST NOTICE OF DEPOSITION UNDER FED. R.
CIV. P. 30(b)(6) OF DEFENDANT IMAGINE COMMUNICATIONS, INC.**

Plaintiff BigBand Networks, Inc. ("BigBand"), by and through its undersigned counsel, hereby gives notice that it will take the deposition(s) by oral testimony of Defendant Imagine Communications, Inc. ("Imagine"), pursuant to Federal Rule of Civil Procedure 30(b)(6), on the subjects identified in Attachment A. The deposition(s) will be held at the law offices of Latham & Watkins LLP located at 140 Scott Drive, Menlo Park, California 94025 on February 22, 2008 beginning at 9:30 a.m. or at some other such date, time, and place as mutually agreed upon by counsel for the parties, and continuing from day to day until completed. The deposition(s) will be conducted before an officer, notary public, or other person duly authorized to administer oaths, and will be recorded by stenographic, audio, and/or video means. The examination will be taken for the purposes of discovery, for use at trial in this action, and for any purposes permitted under the Federal Rules of Civil Procedure.

Imagine is reminded of its obligation to designate one or more officers, directors, managing agents or other persons who consent to testify on its behalf concerning the matters identified in Attachment A. Please identify the designated person(s) on or before February 15, 2008.

You are invited to attend and cross-examine.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Karen Jacobs Louden

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January 23, 2008

ATTACHMENT A

I. DEFINITIONS

BigBand hereby incorporates by reference the definitions included in BigBand's First Set of Requests for Production of Documents, served on August 27, 2007.

II. TOPICS OF DEPOSITION

1. The design, structure and methods used in the processing of video data in Imagine's SDV Staging Processor and QOD Gateway.

2. The conception, design, research and development of Imagine's SDV Staging Processor and QOD Gateway.

3. The design, structure, architecture and methods used in the processing of video data in Imagine's ICE and ICEPAC system, including Video On Demand (VOD) functionality.

4. The conception, design, research and development of Imagine's ICE and ICEPAC system, including Video On Demand (VOD) functionality.

5. The design, algorithm and methods used in the rating of video data in Imagine's QMgr and QODM methods and ICE-Q subsystem.

6. The conception, design, research and development of Imagine's QMgr and QODM methods and ICE-Q subsystem.

7. The design, structure and architecture of the integrated video delivery system comprised of Imagine's Converged VOD and SDV Network Architecture and Imagine's partners' or customers' equipment.

8. The conception, design, research and development of the compatibility of Imagine's Converged VOD and SDV Network Architecture with third party (non-Imagine) equipment.

9. The location and identification of documents relating to topics 1-8.
10. The identify of persons with knowledge of topics 1-8.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on January 23, 2008, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Mary B. Matterer
MORRIS JAMES LLP

I also certify that copies were caused to be served on January 23, 2008 upon the following in the manner indicated:

BY HAND AND E-MAIL

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